THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.22118 OF 1995

DATED: 31-10-2006

BETWEEN

P. Sai Babu, s/o. Late Narasimha Murthy,
R/o. Seetharampuram, Narsapur Mandal,
West Godavari District.

...PETITIONER

AND

Chief Personnel Manager,
APSRTC, Musheerabad,
Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in not appointing him under compassionate grounds as illegal and arbitrary and to direct the respondents to appoint him in the post of Conductor/Cleaner or any other suitable post on compassionate grounds.

Learned counsel for the petitioner submits that the father of the petitioner viz. Narasimha Murthy, while working as Coach Builder in the respondent corporation died due to sudden cardiac arrest on 14.04.1991 leaving behind his wife and two sons. He further submits that the petitioner completed his studies in the year 1992 by completing degree. Though the elder brother of the petitioner was appointed in the very same corporation he did not evince any interest in the family affairs, therefore, the mother of the petitioner submitted a representation on 03.07.1992 to the second respondent to provide employment to the petitioner in continuation of the

earlier representation dated 09.08.1991 filed by the petitioner. Thereafter, the petitioner was called for an interview at the office of the third respondent for the post of Conductor/Cleaner on 03.12.1993, but he was not given any appointment though he was entitled to get appointed on compassionate grounds. Thus, it is stated that the action of the respondents is illegal and against the scheme of providing compassionate appointment.

Counter has been filed by the respondents admitting the death of the father of petitioner while in service on 14.04.1991 and also the fact that the petitioner was called for an interview to the post of Conductor on 03.12.1993. The selection committee found on enquiry that the petitioner's elder brother viz. P. Ch. Babu was already working as a conductor in Narasapuram deport, therefore, the petitioner was not selected as once there is one family member working in APSRTC, providing employment to the second child or the spouse of the deceased employee on compassionate grounds does not arise. Therefore, the selection committee came to the conclusion that the petitioner is not entitled to being appointed on the ground of compassionate appointment into the service of the corporation.

The petitioner has not rebutted the said averments of the counter by filing any reply. Therefore, I am of the opinion that the petitioner is not entitled to compassionate appointment as already his elder brother was employed and working in the respondent corporation.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

October 31, 2006
DSK